Remarks

This is in response to the Office Action dated July 22, 2010.

Before responding to the Office Action, please take note that a Power of Attorney and a Statement Under 37 CFR 3.73(b) are attached with this Amendment.

Claims 1-20 have been rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The examiner asserts tht the phrase "wherein each of the first and second catheters have constant wall thickness in the overlap area" added in the previous amendment finds no support in the specification.

The examiner's rejection is submitted to be without merit insofar as Figs. 4 and 5 clearly show that the tubing 60 and the delivery catheter 36 each have constant wall thickness in the overlap area 100. It is well settled that drawings originally filed with the application may be used to provide the "written description of invention". To wit, the CAFC in *Vas-Catch Inc. v. Mahurkar*, 935 F.2d 1555 (Fed. Cir. 1991), states:

> We agree with the district court's conclusion that drawings alone may be sufficient to provide the "written description of the invention" required by Sec. 112, first paragraph. Several earlier cases, though not specifically framing the issue in terms of compliance with the "written description" requirement, support this conclusion. At 1564.

The court further went on to quote one of the cases per the following:

> The issue here is whether there is supporting "disclosure" and it does not seem, under established procedure of long standing, approved by this court, to be of any legal significance whether the disclosure is found in the specification or in the drawings so long as it is there. Ibid. at 1565.

In view of the above, the examine's rejection of claims 1-20 under 35 USC 112, first paragraph, is submitted to be without merit and should be withdrawn.

Pending claims 1-20 have been rejected as being obvious under 35 USC 103(a) in view of the following: claims 1 and 3-7 under Peters (US 6,508,807); claims 1 and 3-10 under Larkin (US 4,895,570); and claims 2 and 11-20 under the combination of Larkin, Peters and Glantz (US 5,558,641).

The instant invention, as set forth in claim 1, recites that a flexible second catheter has an inner diameter sized to receive the first flexible catheter, with a portion of the first catheter being fitted within a portion of the second catheter to form an overlap area, which is surrounded by a collar, and to which collar a clamp applies a radially inward force to hold the first and second catheters together at the overlap area.

None of the cited prior art teaches any of the above. To wit, Peters discloses a female member 1 that includes a valve section 5 having slidably attached thereto a valve actuator 15. Valve section 5 has a screw threaded end 10 which is used to threadingly mate with a cap 21 of a male member 2, so that the spigot 20 at male member 2 is fitted into the frusto-conical socket 11 at valve section 5. In sum, the Peters device is a coupling device that connects two cannulas, one at the leftmost end (as shown in Fig. 1) of valve section 5 and the other connected to the rightmost end of male member 2. There is no disclosure or suggestion in Peters that the two cannulas are connected, one inside the other at respective portions thereof. As for the casing 30 shown in Figs. 4 and 5, Peters discloses that that casing 30 is used to provide additional security and protection against infection (column 3, lines 32-43). Therefore, casing 30 does not have anything to do with applying a radially inward force to the coupling device as shown in Figs. 1-3. Moreover, the cannulas that are connected by the Peters coupling device are nowhere near the casing 30, let alone overlap.

Larkin discloses a tubing connector that has an extruded tube 30 having a septum 16 that is pierced by the sharp end of a pin 20, so that a fluid communication path may be established between tube 32 and a second tube 18 that is connected to the leftmost end (from Fig. 2) of pin 20. Tube 32 is held to pin 20, more particularly the plug 34 thereof, by means of the splayed segments 26 that extend from a collet 22 (Figs. 1 and 4). The splayed segments 26 are folded over the flange 14 of tube 12 by moving the tubular locking ring 26 to the position as shown in Figs. 2 and 3. Given that pin 20 needs to "spiked into" diaphragm 16, it is not a flexible tubing. Putting it simply, the second tube 18, which is connected to the rightmost end of pin 20 does not come close to the first tube 12, which being a PVC extruded tube, is not flexible in any event. Thus, Larkins likewise fails to disclose or suggest the claimed invention.

Glantz has been cited by the examiner as disclosing a reservoir device. Applicants do not disagree with the examiner there. However, applicants do disagree with the examiner's assertion that Fig. 13 shows a sleeve. Quite the contrary, Fig. 13 shows an insert 878 that is to be coupled to a sleeve structure 806, so that the lumens shown therein may be connected to establish fluid paths. In contrast, the "sleeve" of the instant invention is there as a guide for delivery catheter 36. In other words, for the instant invention, catheter 36 slidably moves along sleeve 68, so that it may be inserted into tubing 60, per shown in Fig. 4 of the instant specification. Nothing of the sort is disclosed or suggested in Glantz.

In view of the foregoing, applicants submit that the instant invention is patentable over the cited prior art. The examiner is therefore requested to enter the Amendment and reconsider the application.

Respectfully submitted,

/louis woo/

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